

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Jorge Daniel Jimenéz Blancarte,

Petitioner, Case No. 19-13189

v.

Judith E. Levy
United States District Judge

Luna Elizabeth Ponce Santamaria,

Mag. Judge David R. Grand

Respondent.

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OPINION AND ORDER SETTING RETURN PLAN

This is an international child abduction case brought under the Hague Convention and its implementing statutes, the International Child Abduction Remedies Act (ICARA). 42 U.S.C. §§ 11601-11611. On January 3, 2020, the Court ordered the return of the parties' two minor children to Mexico and required the parties and the Guardian Ad Litem to submit either a stipulated return plan or proposed individual return plans by January 13, 2020. The Court received return plans from each of the parties and from the Guardian Ad Litem. (ECF Nos. 29, 30, 31.)

The proposed plans differ only with respect to the return date of the minor children. Respondent requests a return date of January 31,

2020, so as to allow the children to receive academic credit for their January schoolwork, socialize with their friends, and be evaluated by their church with respect to their catechism progress. (ECF No. 29, PageID.264-265.) Petitioner, after originally requesting a return date of January 17 or 18, proposes a compromise return date of January 24 or 25, 2020. (ECF No. 30, PageID.266.) The Guardian Ad Litem proposes a return date of January 25, 2020. (ECF No. 31, PageID.270.)

The Court adopts the Guardian Ad Litem's Proposed Return Plan. Throughout the course of this litigation, the Guardian Ad Litem has built trust with the Court, both parties, their counsel, and the two minor children. The Court finds the Guardian Ad Litem's plan to provide a detailed and thoughtful compromise between the parties' positions.

Accordingly, the Court orders the following:

1. Mirror Image Orders: The parties are **ORDERED** to seek entry of the following orders by the Mexican court in which their divorce action is pending: (a) Order For Interim Parenting Time (ECF No. 17); (b) Opinion and Order Granting Petitioner's Complaint for Immediate Return of Children Per Hague Convention (ECF No. 26); and (c) this Order. The foregoing orders are intended to be stipulated "mirror orders"

that are enforceable by the Mexican divorce court. Each party is ordered to instruct their attorney of record in the Mexican divorce action to take all steps necessary, including cooperating with one another, to implement this Order.

2. Travel Date and Flight: The parties are **ORDERED** to facilitate the return of the minor children to Mexico on January 25, 2020, subject to the following conditions:

- a. Petitioner, Respondent, and the children will depart from Detroit Metropolitan Airport (DTW) on Aeromexico Flight AM 5008.
- b. There is availability for Respondent to purchase tickets on this Aeromexico flight.
- c. One child will be seated next to Petitioner. One child will be seated next to Respondent. The parties will not interfere with the children's requests to communicate with each other or either parent or change seats with one another during the flight.
- d. Respondent is responsible for the children's transportation to DTW on the travel date.

- e. Petitioner will purchase his and the children's airline tickets, without prejudice to the Court's ultimate determination of this expense.
- f. Respondent is responsible for the cost of her airline ticket (as well as that of her Mexican attorney if Respondent elects to have them travel).

3. Alternate Travel Date: The parties are **ORDERED** to purchase all required airline tickets by no later than January 17, 2020. If there is insufficient availability for Respondent to accompany the children on the Aeromexico flight above, the parties are **ORDERED** to facilitate the return of the minor children to Mexico on January 31, 2020, on Delta Flight 557 departing from DTW. The same conditions above apply to this alternate travel date.

4. Passports: Respondent's counsel is **ORDERED** to deliver Respondent's and the children's passports to Petitioner's counsel no less than four days in advance of the travel date. Petitioner's counsel will deliver the children's passports to the parents on the travel date, meeting at the DTW ticket counter two and a half hours prior to the departure time. Petitioner's counsel will also deliver Respondent's passport to

Respondent. Petitioner will hold one child's passport; Respondent will hold the other child's passport. The parties and the children will proceed through security and board the flight. Upon arrival in Mexico City, Petitioner and Respondent will deliver the child's passport that they are holding to their respective Mexican divorce attorney within one day of arriving in Mexico City.

IT IS SO ORDERED.

Dated: January 15, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record and/or pro se parties on this date, January 15, 2020, using the Electronic Court Filing system and/or first-class U.S. mail.

s/William Barkholz
Case Manager